

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 12, 2005

COUNCIL DISTRICT: 3

SNI AREA: Market-Almaden

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTERS 20.70 AND 20.80 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO: STREAMLINE THE PERMITTING PROCESS FOR TEMPORARY OUTDOOR EVENTS IN THE DOWNTOWN CORE; ALLOW LIVE/WORK USES AS OF RIGHT IN THE DOWNTOWN CORE; AMEND THE BOUNDARIES OF THE DG DOWNTOWN GROUND FLOOR SPACE OVERLAY AREA; AND AMEND THE DOWNTOWN OFF-STREET LOADING REQUIREMENTS.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council adopt the proposed ordinance amending Title 20, the Zoning Code, of the San Jose Municipal Code to modify the Downtown zoning provisions, and to streamline the permitting process for temporary outdoor events on private property in the Downtown Core.

BACKGROUND

On May 11, 2005, the Planning Commission held a public hearing to consider the proposed Zoning Code amendment to modify the Downtown zoning provisions, and to streamline the permitting process for temporary outdoor events on private property in the Downtown Core.

At the hearing, staff briefly explained the proposed amendment. Staff showed a map of the proposed DG Downtown ground floor overlay area, and contrasted it to the existing DG overlay area. The proposed DG overlay is included as Figure 1 in this transmittal, and the existing overlay area is shown as Figure 2.

Staff also highlighted the proposed ordinance changes to the permitting process for temporary outdoor events in the Downtown Core. The proposed ordinance change would shift permitting responsibility for outdoor events that use both public and private property to the Office of Cultural Affairs.

May 12, 2005

SUBJECT: Proposed Ordinance Amending Title 20 Related to Downtown Provisions

Commissioner Levy asked about the potential downside of removing the DG overlay from a number of streets. Staff explained that the intent of the DG overlay is to prevent office uses from occupying first floor spaces along designated streets. On streets where a lively public realm is desired, office spaces have a deadening effect. On the other hand, first floor office space may be appropriate where an adequate concentration of retail uses is not possible.

Commissioner Zito asked if removal of the DG overlay would create legal non-conforming uses in the Downtown Core. Staff responded that it would not, because removal of the overlay would result in fewer use restrictions on the affected properties.

No one spoke in favor of or in opposition to the proposed Ordinance amendment.

The public hearing was then closed.

OUTCOMES

The proposed ordinance amendment would allow for subdivisions to be heard along with other development approvals, resulting in a more streamlined permitting process.

COORDINATION

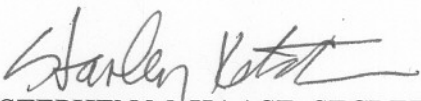
Preparation of the proposed ordinance has been coordinated with the City Attorney's Office, the Office of Cultural Affairs, and the Redevelopment Agency. Transmittal of the draft ordinance language is being sent by the City Attorney's Office under separate cover.

PUBLIC OUTREACH

On April 26, 2005, a hearing notice for the proposed ordinance change and for the hearings for the permanent ordinance change was sent to the San Jose Post-Record for publishing. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

CEQA

The project, PP05-088, was determined to be categorically exempt under CEQA Guidelines Section 15305.


for STEPHEN M. HAASE, SECRETARY
Planning Commission

Attachments

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